

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**IN THE MATTER OF JESSICA N.
SMITH AN ADULT**

CIVIL ACTION NO. 1:23-cv-84-TBM-RPM


ORDER

Ellis Keyes has filed a Motion for Reconsideration [10]. He petitions this Court to reconsider its Order [6] remanding this case to Mississippi state court. This case was remanded because of a defect in the removal procedural, namely Keyes removed the case even though he was not a defendant. [6], p. 1; *see* 28 U.S.C. § 1441(a); *Valencia v. Allstate Tex. Lloyd's*, 976 F.3d 593, 595 (5th Cir. 2020).

Because that was the basis for the remand order, this Court is without jurisdiction to reconsider its order. *See* 28 U.S.C. § 1447(d) (“An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise[.]”); *Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706, 711-12, 116 S. Ct. 1712, 135 L. Ed. 2d 1 (1996) (finding that section 1447(d) only applies to remands based “on lack of subject matter jurisdiction or defects in removal procedure.”); *In re Weaver*, 610 F.2d 335, 336-37 (5th Cir. 1980); *Hood v. Allstate Ins. Co.*, 67 F. App’x 248, *1-2 (5th Cir. 2003).

IT IS THEREFORE ORDERED AND ADJUDGED that, Keyes’s Motion for Reconsideration [10] is DENIED for want of jurisdiction.

THIS, the 4th day of May, 2023.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE